

The only issue before the Board on this appeal is whether claimant's present need for medical treatment is directly related to an accidental injury that he sustained while

working for respondent or whether the need for medical treatment is caused by a subsequent accidental injury that claimant may have sustained while working for a new employer.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record compiled to date, the Board finds and concludes:

The preliminary hearing Order should be affirmed.

Claimant has established that the work that he performed for respondent as a cabinetmaker from September 2001 through his last day of work for respondent on June 6, 2002, significantly aggravated his back and caused him to seek medical treatment. The evidence fails to establish that claimant sustained additional injury while working for a new employer commencing June 2002 as the work that he began performing at that time was much lighter and considerably less strenuous.

In addition, the expert medical opinion of Dr. Edward J. Prostic, who saw claimant in June 2002, supports the finding that claimant sustained an accidental injury while working for respondent. In his June 24, 2002 report to claimant's attorney, Dr. Prostic writes, in part:

During the course of his employment through June 6, 2002, Chasles [sic] V. Turnage [claimant] sustained repeated minor trauma to his lumbar spine. He has aggravated degenerative disc disease at L5-S1. His numbness is explained better by meralgia paresthetica than by L4 and L5 radiculopathy. Recommended treatment at this time is anti-inflammatory medicines by mouth, intermittent heat or ice and massage, and therapeutic exercises. If leg symptoms worsen, epidural steroid injections may be considered.

The Board is aware that Dr. Vito J. Carabetta has stated that the work that claimant performed after June 6, 2002, could continue to aggravate claimant's underlying degenerative disc disease. The doctor, however, also noted in a July 2002 report that claimant's symptoms had stabilized and did not appear to have recently progressed. Furthermore, claimant testified that his symptoms have improved since leaving respondent's employment in June 2002.

The Board concludes claimant sustained an accidental injury to his low back while working for respondent through June 6, 2002, and that his present need for medical treatment is related to that injury rather than from a later accidental injury sustained while performing much less strenuous work for a new employer. Accordingly, the preliminary hearing Order should not be disturbed.

WHEREFORE, the Board affirms the September 19, 2002 Order entered by Judge Sample.

IT IS SO ORDERED.

Dated this ____ day of November 2002.

BOARD MEMBER

c: Michael R. Wallace, Attorney for Claimant
David F. Menghini, Attorney for Respondent and its Insurance Carrier
Julie A. N. Sample, Administrative Law Judge
Director, Division of Workers Compensation